

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GEOFFREY S. RUBIN, as Trustee of the  
Southern Tier News Company Pension Plan,

Plaintiff,

DECISION AND ORDER

03-CV-6201L

v.

VALICENTI ADVISORY SERVICES, INC.,  
et al.,

Defendants.

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This Court previously referred all pretrial matters to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). Plaintiff, Geoffrey Rubin (“Rubin”), had previously answered a third-party complaint against him, in his personal capacity. He then sought to amend that answer to include counterclaims against the defendants.

Magistrate Judge Payson heard argument and, on June 16, 2006, granted plaintiff’s motion to amend his answer in a thorough, 16 page Decision and Order.

On July 14, 2006, defendants filed Objections to Magistrate Judge Payson’s Decision and Order, thereby appealing the matter to this Court.

Thereafter, the Court has received several letters from counsel on procedural issues as to how the appeal should be handled and whether it should be considered in conjunction with a motion to dismiss that defendants intend to file.

I think the best course is to deal with the matter at hand, and that is only defendants' appeal from Magistrate Judge Payson's June 16, 2006 Decision and Order. I will, therefore, set the following schedule. Plaintiff's response to defendants' Objections to Magistrate Judge Payson's Decision and Order must be filed by August 11, 2006. Defendants may reply, if inclined to do so, on or before August 21, 2006. After receiving all filings, the Court will determine whether oral argument will be productive.

IT IS SO ORDERED.



DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
July 25, 2006.